



Land Offering

Kanab

101 ± Acres

Kanab, Utah

LOCATION & PROPERTY DESCRIPTION

LOCATION:

The Kanab property is located in Kanab, Utah within Township 44 South Range 6 West Section 10.

DESCRIPTION:

A legal description for this block has not yet been written, but the subject lands are approximately 101 acres.

ENTITLEMENTS: (copied from

https://codelibrary.amlegal.com/codes/kanecountyut/latest/kanecounty_ut/0-0-0-4210

9-7C-2: JURISDICTION:

Kane County does not have jurisdiction regarding land use regulations on any land owned by the State of Utah, including any land owned or administered by the Utah School and Institutional Trust Lands Administration (SITLA) (See Utah Code 17-27a-304). Kane County does not assert any jurisdiction over SITLA lands regarding land use regulations while the land is owned by SITLA. No land use related permits, including but not limited to, conditional use permits, will be issued to property owned by the State of Utah or SITLA. Kane County has jurisdiction over state lands regarding all other laws of general application including but not limited to: the traffic and criminal code of the State of Utah and local traffic and criminal ordinances, State and local laws regarding nuisance abatement, and State and local building codes. Nothing in this chapter shall be construed to limit the valid jurisdiction that Kane County holds over State of Utah lands regarding regulations or laws other than land use regulations. (Ord. O-2019-23, 11-12-2019)

9-7C-3: STATE LAND DEVELOPMENT:

A. Notwithstanding the lack of jurisdiction regarding land use regulations, SITLA, or any other agency of the State, is required to submit a development plan and schedule to the Land Use Authority prior to developing land (See Utah Code 17-267a-305). The Land Use Authority is required to respond with reasonable promptness.

B. As of 2019, when SITLA has a lessee/permittee or potential lessee/permittee ("Lessee"), in order to comply with section 305, SITLA requires the lessee to apply for a conditional use permit, whether one is required or not, and even though a conditional use permit would not be legally valid on the state owned land. As a matter of policy, Kane County treats this requirement from SITLA as a request for the county to review the project and provide recommendations to SITLA on how the potential project should be regulated. The county will also use this opportunity to provide the information as anticipated by Utah Code 17-27a-305(8).

C. When the State or any agency of the State submits a development plan and schedule to the county, or when a lessee of SITLA lands applies for a conditional use permit or submits a development plan and schedule on behalf of the State or any agency of the State, the county will process the request as follows:

1. The County Commissioner who is assigned to the Land Use Authority shall review the proposed development and in consultation with the Land Use Administrator shall determine the process under which the county will issue recommendations to SITLA for the proposed development. The County Commissioner may: i) request that the development be reviewed by the Land Use Authority to develop recommendations before the issue is presented to the County Commission; ii) delegate authority to the Land Use Authority to issue the recommendations; or iii) present the matter directly to the County Commission to issue recommendations. The county shall act with reasonable promptness to issue the recommendations.

2. Report On The Proposed Development:

- a. The Land Use Administrator shall prepare a report that evaluates the proposed development prior to submitting it to the Land Use Authority or County Commission as set forth above.

- b. The size, volume, scope, and extent of the report shall be completed at the discretion of the Land Use Administrator, but at a minimum the report shall address the elements listed under Utah Code 17-27a-305(8)(ii), namely:

- (1) Compliance with applicable land use ordinances;
 - (2) The demand for public facilities caused by the proposed development;
 - (3) The amount of any applicable fee;

- (4) Any credit against an impact fee; and
- (5) The potential for waving an impact fee.

c. For purposes of determining "compliance with applicable land use ordinances," the Land Use Administrator may review any of the requirements of Title 9 in developing the report. For land owned by SITLA, the Land Use Administrator shall specifically review the requirements of land that is zoned commercial (C-2). For land owned by other agencies of the State, the Land Use Administrator shall review the requirements of the zone or zones of similarly situated land near the proposed development. Nothing in this section shall be construed as an attempt to impose a zone on any state owned land as prohibited by Utah Code 63A-5-206(6).

d. The Land Use Administrator may exercise discretion to consult with experts such as engineers, relevant industry experts, or other professionals and may conduct any relevant studies deemed necessary to fully evaluate the proposed project. Nothing in this section shall be determined to require the consultation with any expert or to conduct any study regarding the proposed project.

e. In any event, the Land Use Administrator shall act with reasonable promptness.

3. Any recommendations that are developed and approved under this section shall be completely discretionary, shall be considered a legislative action not an administrative action, shall not be subject to appeal to the Appeal Authority, and shall not be subject to any other requirements of Title 9.

4. After the recommendations are approved, the Land Use Administrator shall forward the recommendations to the State and/or SITLA. In the event that there is a lessee, the Land Use Administrator shall request that the recommendations be formalized in a lease agreement or other legally binding document between the lessee of the proposed project and the State and/or SITLA.

5. In the event that there is a lessee, if the State and/or SITLA approves the recommendations, the Land Use Administrator is authorized to: i) monitor the project for compliance with the recommendations; ii) notify the State and/or SITLA of any failure on the part of the lessee to comply with the recommendations; and iii) provide any assistance to SITLA necessary to bring the lessee into compliance with the recommendations.

(Ord. O-2019-23, 11-12-2019)

9-7C-4: STATE LAND THAT BECOMES PRIVATE LAND:

In the event that any State owned land, including SITLA administered land, is transferred to private ownership, the following shall apply:

A. All sections of the Kane County Land Use Ordinance shall apply immediately to the private parcel, limited only by the exceptions of Chapter 12 Nonconforming Uses and Noncomplying Structures.

B. Any recommendations issued to and accepted by SITLA under this Chapter 7C shall become legally binding conditions on the parcel as if a conditional use permit had been required and had been duly issued at the time the recommendations were issued, whether or not a conditional use permit was or is required. (Ord. O-2019-23, 11-12-2019)

UTILITIES:

All utilities are presumed to be onsite but applicants will need to research and verify.

IMPROVEMENTS:

Kanaplex Drive forms the northern boundary of the parcel., There is also a temporary easement for Landfill Road that runs along the west and south boundaries of the property (see Exhibit B).

The successful purchaser/development partner of the subject parcel will be required to construct/pay for all roadway improvements, infrastructure, development of the pads, marketing of the project, etc.

PROPERTY CONDITION:

The Kanab property is mostly ungraded in a natural, raw condition, except for County Roads that have been constructed within the property boundaries.

OFFER INFORMATION:

In addition to completely filling out the attached Proposal Form, please include these elements in your proposal:

- Proposed site layout & project vision concept plan
- Term of property inspection period
- Term of closing

Additional pages may be necessary.

Kanab-Proposal Details

Kanab

SUBMIT SEALED PROPOSALS TO: SITLA
ATTN: Aaron Langston

ADDRESS: 1593 East Grapevine Crossing
Washington, UT 84780

CLOSING FOR SUBMITTAL OF PROPOSALS: September 1, 2021

ANTICIPATED BOARD APPROVAL: November 18, 2021

FURTHER INFORMATION: Aaron Langston
At above address
(435) 522-7411

SITLA reserves the right to reject any or all proposals

Information for Respondents

Proposals

Development Proposals: SITLA requests Development proposals for the property known as Kanab 101+/- Acres. The Trust may enter into negotiations with one or more parties submitting proposals, or may reject all proposals.

Form: Each development proposal shall be submitted in a sealed envelope bearing the words “**Kanab 101 Acres**”. Proposals must be marked on the outside with the name of the respondent, their address, and telephone number. All proposals must be made on the required form. All blank spaces for pricing must be filled in, in ink or typewritten, and the proposal form must be fully completed and executed when submitted. Include additional information such as renderings, business plans, phasing, anticipated absorption rates, etc. with the proposal forms. All proposals will be designated as confidential documents.

Signatures: All proposals shall be signed and have the full address written in the appropriate spaces.

Withdrawal: Any proposal may be withdrawn any time prior to the scheduled proposal closing time.

Opening: Proposals will not be publicly opened.

Proposed compensation structure: Proposals for transaction may include:

- 1-) Development Lease. Trust Lands Administration's contribution to a development lease will be the subject lands. Development Partner expected to share proformas, profit sharing, anticipated construction costs, anticipated sales prices, percentage splits, anticipated absorption rates, etc. Development Partners can propose either lot creation and vertical home building packages, or bulk wholesale lot sales to select builders. Minimum returns to the Trust must be guaranteed. In no circumstance will the Trust authorize loans or liens on or against its lands.
- 2-) Direct Sale. Purchaser to provide total price for the subject lands. Purchasing the land in a phased take down may be considered, but proposals should outline what triggers the next take down (percentage complete, hard dates, etc.). In addition, under that scenario, some kind of escalator for the unpurchased property must be defined.

Proposal Form

Proposal is submitted to: SITLA, Attn: Aaron Langston
1593 Grapevine Crossing
Washington, UT 84780

Date: _____

Business Name: _____

Respondent Name: _____

Title: _____

Business Address: _____

Telephone: _____

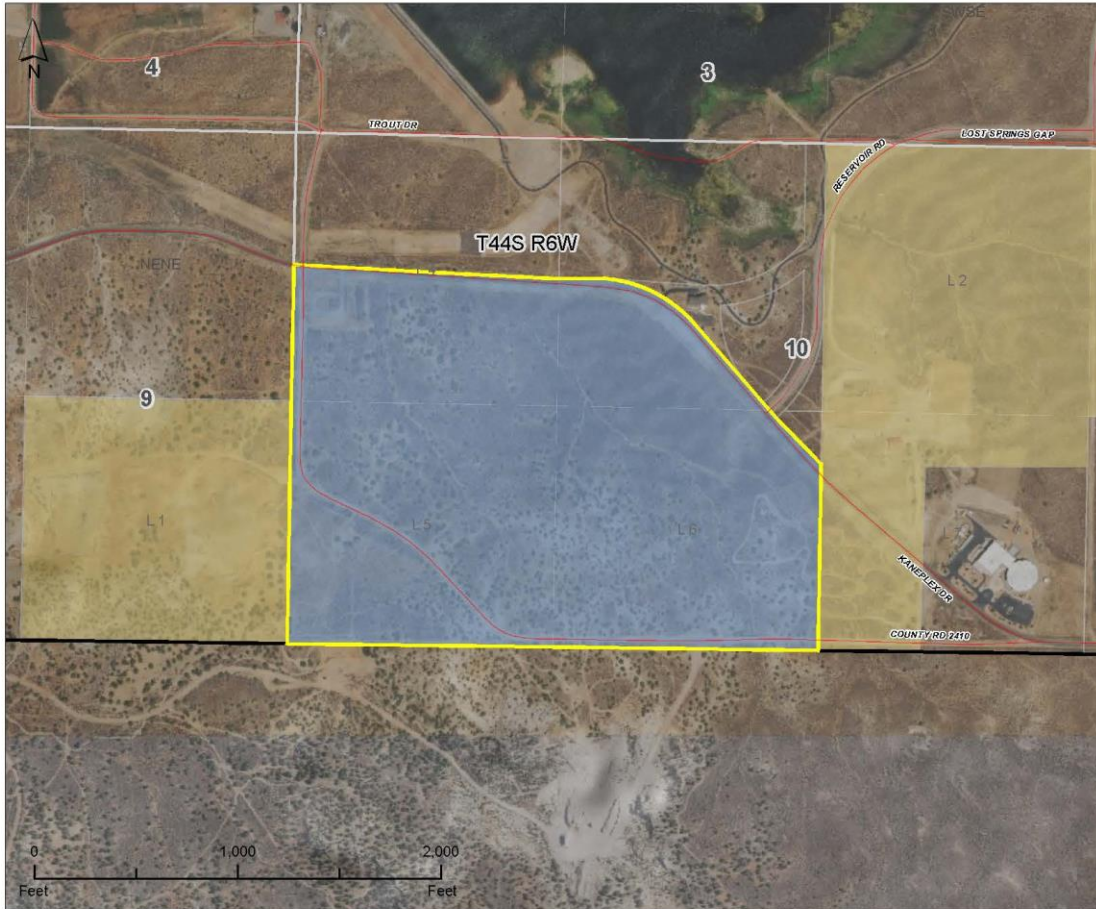
Email Address: _____

Signature(s) _____

[illegible]

Submitters may use the table above, or their own form if more details are needed

Exhibit A



- RFP Lands (101.11 Acres)
- Land Ownership and Administration
 - Bureau of Land Management
 - Private
 - State Trust Lands



Data represented on this map is for REFERENCE USE ONLY and is not suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information. SITLA provides this data in good faith and shall in no event be liable for any incorrect results, or any special, indirect or consequential damages to any party, arising out of or in connection with the use or the inability to use the data herein. Land parcels, waste boundaries and associated SITLA data layers may have been adjusted to allow for visual "best fit". The Surface Ownership Land Status data (if present) are maintained by SITLA to reflect current trust land status and surface ownership. Lakes, rivers, streams, highways, roads, county and state boundaries are distributed by the Utah Automated Geographic Reference Center and/or other sources as specified. Contour lines (if present) were generated from USGS 10 meter DEM. Please Note: While SITLA seeks to verify data for accuracy and content, discrepancies may exist within the data. Acquiring the most updated SITLA ownership GIS data may require contacting the GIS staff directly 801-538-5100 or TLA-GIS@utah.gov. The SITLA GIS department welcomes your comments and concerns regarding the data and will attempt to resolve issues as they are brought to our attention. Prepared: July 06, 2011 - secondary

Document Path: V:\GIS\GIS_Group\Kane\Templates\TemplateApplication_Development.mxd

Coordinate System: NAD 83 UTM Zone 12N

Exhibit B
County Roads

